If any person shall attempt to establish a new market or fair without such license, he shall, on conviction by [1][a Magistrate of the first class], be subject to a fine not exceeding two hundred rupees, or, in default of payment, to simple imprisonment for any period not exceeding two [2]* months. Penalty for attempt to establish without license.

2. When any person desires to establish a new market or fair, he shall make application, in writing, to the Magistrate of the district. Person desiring to establish to apply to Magistrate.

The application shall specify— Contents of application.

the name of the place at which it is proposed to establish such new market or fair;

the days on which it is to be held;

the name of the place where the nearest existing market or fair is held, and the days on which it is held;

the distance, in English miles, between the two places; and

the reasons of the applicant for desiring to establish a new market or fair.

3. On receipt of the application, the Magistrate shall issue a proclamation stating the desire of the applicant to establish a market or fair at the place named by him and the days on which it is proposed to be held and calling upon any person who may have any objection to the establishment of the market or fair to state his objection, in writing, within six weeks from the date of the proclamation. Procedure on application.

The proclamation shall be fixed in a conspicuous place in the village or town in or near to which it is proposed that the new market or fair shall be held, and a copy of the same shall be affixed at the police-station within the jurisdiction of which the village or town is situated, and in the Court of the Magistrate. Publication of proclamation.

If it shall appear that any existing market or fair is held within a distance of four miles from the place where it is proposed that the new market or fair shall be established, the Magistrate shall cause a notice, to the effect of the proclamation, to be served upon the owner of the land where such existing market or fair is held. Notice to land-owner of neighbouring market.

The proclamation and notice (if any) shall be issued and served at the expense of the applicant.

4. If, within the time specified in the proclamation and notice (if any), no objection is preferred to the establishment of the proposed market or fair, the Magistrate of the district shall pass an order permitting it to be established. Order permitting establishment.

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[1] These words were substituted for the words "the Magistrate" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), *infra*.

Inquiry into objection.

If within the time specified any objection is preferred, the Magistrate of the district shall inquire into the objection, and pass such order as may appear proper under the circumstances of the case.

5. [*Markets and fairs established prior to passing of Acts.*] *Rep. Act XII of 1876.*

Appeal.

6. Every order passed by a [1][District Magistrate] under [2][section 4] shall, within six weeks, be open to appeal to the Commissioner [3]* * and the order of the Commissioner shall be final.

Penalty for contravening, disobeying, or opposing order.

7. Every person who shall contravene, disobey, or oppose any order duly made under this Act, shall be liable to a fine not exceeding two hundred rupees, or, in default of payment, to imprisonment [4]* * * * for any period not exceeding two [4]* * months.

Extent.

8. This Act shall not extend to the Islands of Bombay and Colába.

Exemption of religious assemblages.

9. Nothing in this Act shall be held to apply to assemblages of people collected at, or concerned in, the inauguration of sacred edifices, or collected at, or concerned in, any other religious festivals or ceremonies not forming part of a fair or market.

Saving of general powers of Government.

10. Nothing in this Act shall be held to restrict the general powers of Government to control the order of the [1][District Magistrate] or Commissioner [3]* * in regard to markets or fairs.

11. [*Meaning of "Magistrate".*] *Rep. Bom. Act III of 1886.*

BOMBAY ACT No. V OF 1862.[5]

[THE BHÁGDÁRÍ AND NARWÁDÁRÍ ACT, 1862.][5]

[*24th April, 1862.*]

An Act for the preservation of the Bhágdárí and Narwádárí Tenures.

Preamble.

WHEREAS it has been found that the permanence of the tenures known as the bhágdárí and narwádárí tenures, which have existed from time

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[1] These words were substituted for the word "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The word and figure "Section 4" were substituted for the words "this Act" by *ibid.*

[3] The words "of Police" were repealed by *ibid.*

[4] The words "of either kind" and the word "calendar" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), *infra.*

[5] No Statement of Objects and Reasons was published. For the Bill, as introduced, *see* Bombay Government Gazette, 1862, Supplement, p. 51; for Report of the Select Committee, *see ibid*, p. 79, and for Proceedings in Council, *see ibid*, pp. 50, 79 and 97.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

Bom. Act 5 of 1862 has been declared not to be in force in the Pánch Maháls—*see* the Pánch Mahál Laws Act, 1885 (7 of 1885), s. 2, Vol. I of this Code.